

more clearly describe Applicants' original claimed invention. Applicants respectfully submit that the amendments are supported by the specification and add no new matter. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102(e)

Claims 1, 3-35, 37-44 and 46 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,088,444 issued to Jay S. Walker et al. (hereafter "Walker"). Applicants respectfully traverse.

Walker discloses a system that prioritizes incoming telephone calls based upon an economic value. The economic value is computed from information input by a caller, such as the number and price of items ordered, and customer status that indicates the importance of the calling customer. (3:64 - 4:8).

Claim 1 as amended recites "applying a model to the inquiry information to determine a priority value for each inquiry, the model estimating the probability of an inbound inquiry having a predetermined result."

Walker cannot anticipate Claim 1 because Walker fails to teach disclose or suggest all elements recited by Claim 1. For instance, Walker fails to teach, disclose or suggest "estimating the probability of an inbound inquiry having a predetermined result." Walker fails to in any way reference estimation of probabilities, such as by using regression analysis, a statistical modeling technique. Instead, Walker simply prioritizes an inbound calling queue based upon call data without the aid of a model or any probability estimation.

Walker provides essentially the same functionality as systems mentioned on page 3 of Applicants' background of the invention: " ("ACD") that receives plural inbound telephone calls and then distributes the received inbound calls to agents based on agent skill set, information available about the caller, and rules that match inbound callers to desired queues." Accordingly, Applicants respectfully submit that Claim 1 is allowable, as are Claims 2-15.

Claim 16 recites "developing one or models from history of inbound calls . . . applying the model to caller information of a pending inbound call to predict an outcome . . . and associating the priority . . . based on the predicted outcome."

Walker cannot anticipate Claim 16 because Walker fails to teach, disclose or suggest all recited elements. For instance, Walker fails to teach, disclose or suggest predicting an outcome. Walker merely queues calls based on an "economic value" that is not based on a model and that does not predict an outcome. Accordingly, Applicants respectfully submit that Claim 16 is allowable, as are Claims 17-32 which depend from Claim 16.

Claim 33 recites a "scheduling module operable to order the inbound inquiries . . . based in part on the predicted outcome of the inbound inquiries."

Walker cannot anticipate Claim 33 because Walker fails to teach, disclose or suggest all elements recited by Claim 33. For instance, Walker fails to teach disclose or suggest ordering inbound inquiries based in part on the predicted outcome of the inbound inquiries. The Examiner bases the rejection of Claim 33 on the description in Walker of column 3

line 46 through column 4 line 8. No where in this description does Walker teach disclose or suggest predicting an outcome. Accordingly, Applicants respectfully submit that Claim 33 is allowable, as are Claims 34-38.

Claim 39 recites "a scheduling module that prioritizes the inbound calls in accordance with forecasted outcomes for the inbound calls."

Walker cannot anticipate Claim 39 because Walker fails to teach, disclose or suggest all recited elements. For instance, Walker fails to teach disclose or suggest prioritization in accordance with forecasted outcomes. Walker does not forecast any outcome but merely queues calls by an economic value. Accordingly, Applicants respectfully submit that Claim 39 is allowable, as are Claims 40-43 which depend from Claim 39.

Claim 44 recites "applying the inquiry information to one or more models to determine a priority value for each inquiry."

Walker cannot anticipate Claim 44 because Walker fails to teach disclose or suggest all elements recited by Claim 44. For instance, Walker fails to teach, disclose or suggest applying inquiry information to one or more models. Walker does not create or apply models as the term model is defined in Applicants' specification. For example, on page 8 the specification explains that models include predictive variables and dependent variables. Walker fails to teach, disclose or suggest any use of predictive variables. Accordingly, Applicants respectfully submit that Claim 44 is allowable, as are Claims 45-47 which depend from Claim 44.

Rejections under 35 U.S.C. §103(a)

Claims 48-49 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker in view of U.S. Patent No. 6,002,760 issued to Doug Gisby (hereafter "Gisby"). Claim 50 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Walker in view of U.S. Patent No. 5,040,208 issued to Charles H. Jolissaint (hereafter "Jolissaint"). Applicants respectfully traverse the Examiner's rejection.

Claims 48-50 each recite "applying the inquiry information to one or more models to determine a priority value." As is explained above in greater detail, Walker fails to teach, disclose or suggest the use of models. Accordingly, Walker cannot make obvious Claims 48-50.

Applicants respectfully request the Examiner to withdraw the objections and rejections to Claims 1-50 and to allow these claims to pass to issuance.

Request For Telephone Conference.

Applicants appreciate the time taken by the Examiner on December 11, 2001, to discuss the present application. As Applicants explained at that time, Walker fails to teach, disclose or suggest the use of statistical techniques to predict outcomes or model inbound inquiries. For instance, Walker does not use regression analysis nor does Walker optimize results. Applicants invite the Examiner to discuss these differences at greater length.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and

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remarks set forth above. Applicants respectfully request reconsideration of the rejections and that a timely Notice of Allowance allowing Claims 1-50 be issued in this case.

Attached hereto is a marked-up version of the changes made to the claims by the current amendments. The attached pages are captioned "**Version with Markings to Show Changes Made.**"

Although Applicants believe that there are no additional fees due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2693.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claim 1 has been amended as follows:

1. **(Amended)** A method for ordering inbound inquiries, the method comprising:

receiving plural inbound inquiries, each inbound inquiry having associated inquiry information;

applying a model to the inquiry information to determine a priority value for each inquiry, the model estimating the probability of an inbound inquiry having a predetermined result; and

ordering the inbound inquiries with the priority values.